

In re application of:      Berez et al.

Group No.: 3733

Examiner: Philogene, P.

For: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

## Commissioner for Patents

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. § 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted:
  - i. Prior to abandonment of the application

## ENCLOSURES

3. Enclosed herewith are:

## An amendment

Other: Request and Fee Deleting Incorrectly Named Persons Who are Not Inventors of Invention  
Now Being Claimed (37 C.F.R. § 1.48(b))

**FEE FOR REQUEST (37 C.F.R. § 1.17(e)).**

4. This application is on behalf of small entity (and status is still as small entity).

Continued Prosecution Request Fee:	405.00
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## FEE FOR CLAIMS

- 5.** The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	101	–	94	= 7 x \$ 26.00	= \$		182.00
INDEP.	1	–	5	= 0 x \$ 110.00	= \$		0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 195.00	= \$		0.00
				TOTAL ADDIT. FEE	\$		182.00

Total additional fee required is \$182.00

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for three months:

Fee: \$555.00

#### TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$405.00
Fee(s) for additional claims (Section 1.16(b)-(d))	\$182.00
Extension of time fee (Section 1.17(a)(1)-(4))	\$555.00
Deletion of Inventors (Section 1.48(b))	\$130.00

Total Fee(s) Due: \$1,272.00

#### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Charge Account 19-4972 the sum of \$1,272.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 19-4972.

### INVENTORSHIP

9. This application as amended names as inventors fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

Date: November 4, 2008

/Alexander J. Smolenski, Jr., #47,953/

Alexander J. Smolenski, Jr.

Registration No. 47,953

BROMBERG & SUNSTEIN LLP

125 Summer Street

Boston, MA 02110-1618

617-443-9292

Customer No. 75059

02960/00116 963208.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Berez et al. Att'y Docket: 2960/116  
Appln. No.: 10/724,010 Filing Date: November 25, 2003  
Customer No.: 75059 Conf. No.: 7525  
Examiner: Philogene, P. Art Unit: 3733  
Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools  
Facilitating Increased Accuracy, Speed and Simplicity in Performing  
Total and Partial Joint Arthroplasty

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE E**

Dear Sir:

This response is being filed along with a Request for Continued Examination and is responsive to the final Office Action mailed May 5, 2008. The applicants respond as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.